

Jul 09, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAZIR BOLAJOKO HAMZA, also
known as Barry Akufo,

Defendant.

NO: 2:18-CR-81-RMP

ORDER DENYING DEFENDANT'S
MOTION FOR DOWNWARD
DEPARTURE AND GRANTING
VARIANCE

On July 8, 2019, the Court sentenced Defendant Nazir Bolajoko Hamza, who is not in custody of the United States Marshals Service, for his conviction of one count of money laundering of property derived from wire fraud, in violation of 18 U.S.C. § 1957. Defendant appeared, represented by Assistant Federal Defender John B. McEntire, IV. Assistant United States Attorney Daniel H. Fruchter appeared for the Government.

The Court adopted in full the presentence report ("PSR") prepared by the assigned United States Probation Officer. The PSR found a base offense level of 16, with a one-level enhancement for specific offense characteristics, a four-level

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1 reduction for a minimal participant role in the offense, and a further two-level
2 reduction for acceptance of responsibility, resulting in a total offense level of
3 eleven. An offense level of eleven combined with a criminal history category of I
4 yields a United States Sentencing Guidelines (“Guidelines”) range of eight to
5 fourteen months.

6 Defendant moved for a downward departure based on his family
7 responsibilities under § 5H1.6 of the Guidelines. ECF No. 49. However, the Court
8 did not find adequate support for the proposition that Defendant is an irreplaceable
9 caretaker for his family to support that particular departure. Therefore,
10 Defendant’s motion for a downward departure is denied.

11 Nevertheless, having considered the sentencing guidelines, the factors in 18
12 U.S.C. § 3553(a), the testimony and statements received at the sentencing hearing,
13 the parties’ arguments, and Defendant’s allocution, the Court determines that
14 Defendant’s personal history, parenting responsibilities, ability to maintain
15 employment to contribute toward his restitution obligation, and the need to avoid
16 unwarranted sentencing disparities cumulatively warrant a downward variance of
17 four levels to offense level seven resulting in a Guidelines sentencing range of zero
18 to six months. The Court imposes a sentence of five years of probation with the
19 following special condition of probation:

20 You must serve a total sentence of 30 days by intermittent confinement
21 at a rate of at least two days every week until you have completed a
total of 30 days of confinement. Your confinement schedule will be

1 determined by your supervising probation officer in consultation with
2 the Bureau of Prisons in an effort for you to continue your employment
3 and provide child care for your children. Credit shall be given for all
time already served. You must complete the remainder of the 30 days
of confinement within one year of the date of this judgment.

4 Defendant's Motion for Downward Departure, **ECF No. 49**, is
5 **DENIED.**

6 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
7 Order and provide copies to counsel and to the United States Probation Office.

8 **DATED** July 9, 2019.

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10 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
United States District Judge
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